



GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER  
Executive Director

KENT L. JONES  
State Engineer/Division Director

East Bench Irrigation Company  
c/o Mr. Tracy Henrie  
PO Box 38  
Panguitch, UT 84759

Long Canal Company  
c/o Mr. Danny Perkins  
PO Box 317  
Panguitch, UT 84759

Re: East Bench & Long Canals Combined Flume

October 29, 2014

#### Water Users:

July 10<sup>th</sup> of this year the State Engineer's Office issued a Notice explaining that the flume measuring the combined East Bench Canal and Long Canal diversion needed repair and requiring that repairs be made before the start of the 2015 irrigation season.

A new flume has been constructed and recently installed. The flume is excellent and your cooperation installing it so promptly is certainly appreciated.

It is our understanding that a stilling well was not installed with the new flume. In order to accommodate the Distribution System measuring equipment a stilling well is required and must be installed as soon as possible so that regulation of the diversion can be resumed.

A legal Notice requiring the installation of a stilling well within 30 days accompanies this letter. Please be aware that the well must be installed and inspected by the River Commissioner before November 28, 2014 at the very latest or diversions of stock or irrigation water will be prohibited as of November 29, 2014.

Should you have any questions about the enclosed Notice please feel free to call me at (801) 538-7431.

Regards,

Sue Odekirk, P.E.  
Sevier River Distribution Engineer

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Subject:

CC:  
Kirk Forbush  
Ray Owens  
Ivan Cowley



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## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER      KENT L. JONES  
Executive Director      State Engineer/Division Director

#### BEFORE THE DIVISION OF WATER RIGHTS

In The Matter Of:

East Bench Irrigation Company  
c/o Mr. Tracy Henrie  
PO Box 38  
Panguitch, UT 84759

Long Canal Company  
c/o Mr. Danny Perkins  
PO Box 317  
Panguitch, UT 84759

RESPONDENTS

East Bench Canal and Long Canal  
Combined Diversion

#### MEASURING DEVICE NOTICE

SEAA No. 2033

DISTRIBUTION ACCOUNTS: 102159 &  
102191

WATER RIGHTS: 61-2845, 61-2846, 61-865,  
61-2849, 61-2850, 61-917

#### I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 and in accordance with UTAH ADMIN. CODE R. 655-15.

U.C.A. § 73-5-4 states in part :

*(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at:*

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

*(3) The state engineer shall approve the design of:*  
*(a) the measuring device;*

*(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:*  
*(a) forbid the use of water until the user complies with the state engineer's requirement;*

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## II. STATEMENT OF FACTS

1. The Respondents divert water from the Sevier River under the above-listed water rights through a head gate at the following location: South 3,090 feet and West 1,005 feet from the North quarter-corner of Section 11, Township 35 South and Range 5 West, Salt Lake Baseline Meridian.
2. The respondents recently replaced a twisted, unleveled flume with a new level and accurate flume. The previous flume included a stilling well. Equitable distribution of water from the Sevier River requires that the respondents' new flume also be equipped with a stilling well.

## III. ACTIONS REQUIRED

1. The Respondents are hereby notified that the Respondents' new flume must have a properly installed stilling well able to accommodate automated monitoring sensors and radio communications equipment used for regulation on the Sevier River Distribution System.
2. Specifications for a stilling well are enclosed for reference. Prior to commencing the required work and during the construction the Respondents shall consult with the Commissioner to assure that the planned installation will satisfy the requirements of this Notice.
3. The required work shall be completed and the Commissioner notified of said completion no later than November 28, 2014.

## IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to diligently attend to the work required by this Notice. If the work is satisfactorily completed in a timely manner, the Division will conclude this agency action.
2. If the work is not satisfactorily completed in a timely manner, the Division may issue an Order forbidding the use of water until the Respondent has complied, or may commence an enforcement action as allowed under Utah Code Ann. § 73-5-4 (5).

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3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).

The orderly distribution of water from the Sevier River in accordance with existing water rights is a concern to Division as well as to the Respondents. To that end we appreciate and thank you for your cooperation. If you have any questions concerning this Notice please contact Sue Odekirk, Distribution Engineer at (801) 538-7431 or Kirk Forbush, Southern Regional Engineer at (435) 896-4429.

Dated this 29<sup>th</sup> day of October, 2014.

A handwritten signature in cursive script that reads "Sue Odekirk".

Sue Odekirk, P.E.  
Distribution Engineer

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CERTIFICATE OF MAILING

I, the undersigned, certify that on this Dated this 29<sup>th</sup> day of October, 2014, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

East Bench Irrigation Company

c/o Mr. Tracy Henrie

PO Box 38

Panguitch, UT 84759

USPS TRACKING # **9114 9011 2308 6069 1224 14**  
& CUSTOMER  
RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

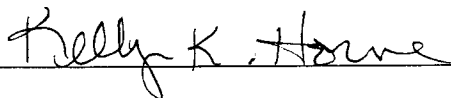
Long Canal Company

c/o Mr. Danny Perkins

PO Box 317

Panguitch, UT 84759

USPS TRACKING # **9114 9011 2308 6069 1224 21**  
& CUSTOMER  
RECEIPT For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.



Kelly Horne  
Division of Water Rights  
Field Services Secretary

cc: Kirk Forbush, Ray Owens, Ivan Cowley, File

## Stilling well Specifications

- 12" diameter minimum
- Half circle shelf attached 1' down from the top of the stilling well
- Need at least 1' of height between top of flume and shelf (if the flume is 2' high then stilling well should be at least 4')
- Floor that is sealed (water tight)
- Lid that can be locked
- Stilling well and staff gage installed at proper locations and elevations
  - Stilling well is typically connected to the flume by a small diameter pipe. Want to use a pipe at least .75" in diameter and ensure that it's sealed (water tight). 2" pipe is ideal because it's big enough to flush sediment out. The pipe connection between the stilling well wall and flume wall should be perpendicular and carefully cut flush with the inside walls of the well and flume flow channel.
  - The proper location for the pipe connection between the flume and the stilling well is at a point equal to  $\frac{2}{3}$  the length of the straight approach section. The pipe opening should also be located fairly close to the floor of the flume so that small flows through the flume are still measurable in the stilling well.

